

just, it's not true."<sup>171</sup> Later in the same questioning, he explained his answer that "[he] did not waste [his] time" reading some reports as reflecting his understanding that the question related only to those reports that were not the most recent.

Thereafter, Mr. Marceca acknowledged the problem with his denial in his House deposition that he read "the category of files that didn't require an update, that didn't have an 86, that were ordered on the Nussbaum previous report."<sup>172</sup> He responded: "It was obviously false. The answer is false."<sup>173</sup>

In sum, Mr. Marceca's testimony under a grant of immunity, which could never be used to prosecute him, confirmed that he read the background reports for content. Contrary statements in his House staff deposition and his testimony before the Committee were therefore untrue.

## **VII. ANALYSIS OF POTENTIAL STATUTORY VIOLATIONS**

The central issue presented to the Independent Counsel was whether Mr. Marceca's conduct reflected a conspiracy within the White House to compile derogatory information from confidential FBI background reports. Such conduct, if proven, might have involved violations of federal criminal law, such as 18 U.S.C. § 371 (regarding conspiracy), 18 U.S.C. § 1001 (regarding false

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<sup>171</sup> Id. at 103.

<sup>172</sup> Id. at 107-08.

<sup>173</sup> Id. at 109.